

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LAS BRISAS CONDOMINIUM
HOMES CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Case No.: 2:21-cv-41-SPC-MRM

EMPIRE INDEMNITY
INSURANCE COMPANY,

Defendant.

ORDER¹

Before the Court is Defendant's Motion for Clarification ([Doc. 71](#)), asking the Court to clarify its Opinion and Order concerning punitive damages ([Doc. 69](#)). This is necessary, says Defendant, "Due to the significance of punitive damages, and the potential effect on monetary sums sought by Plaintiff, Defendant is simply seeking clarification as to whether Plaintiff may definitively seek punitive damages and if so, whether Defendant will be allowed to challenge Plaintiff's punitive damages claim in any future amended complaint." ([Doc. 71 at ¶ 7](#)).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

To start, the Motion does not comply with Local Rule 1.08's typography requirements. To be clear, Times New Roman is permitted if the main text size is at least 14-point. The Court previously pointed out this problem and told the parties that they should not expect future leniency. ([Doc. 69 at n.2](#)). But in this instance the Court succumbs to practicality to keep the case moving, considers the Motion, and finds that clarification is unnecessary. Today, Plaintiff filed a one-count second amended complaint, pleading punitive damages as a form of damages. ([Doc. 72](#)). Defendant can respond to the second amended complaint however it sees fit.

Accordingly, it is now

ORDERED:

Defendant's Motion for Clarification ([Doc. 71](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on December 1, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record